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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,370	03/22/2001	Jeff Davies	9156.00	4267

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/815,370

Applicant(s)

DAVIES, JEFF

Examiner

Yogesh C Garg

Art Unit

3625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Yogesh C Garg
Primary Examiner
Art Unit: 3625

Continuation of 5. does NOT place the application in condition for allowance because: the arguments filed by the applicant on 12/14/2004 have been fully considered but not found persuasive. The applicant argues that the "unique quote number" in the reference Clifton neither identifies an on line agreement nor it is used to authorize the transfer of funds. The examiner respectfully disagrees for the following reasons:

The examiner has cited reference Jalili and not Clifton to disclose the use of a transaction authorization code to identify an online agreement and to authorize the transfer of funds, see Final action pages 3-5 and Jalili (col.2, lines 15-67, wherein the purchase number of the invoice corresponds to a "transaction authorization code" and is used to authorize payment of the invoice). The applicant has not submitted any arguments or pointed out any errors against this analysis. The examiner acknowledged on page 4 of the Final office action that Reference Jalili did not suggest receiving the purchase number, that is transaction authorization code, while the customer is conducting the on line sale transaction and in order to overcome this deficiency combined the teachings of Clifton. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the applicant was faced with the problem of providing a code to the customer while he was conducting an online sale so that the customer could communicate that code to a financial institution to correlate and implement transfer funds against that sale. Clifton also was faced with the problem of providing a code in the form of "unique quote number" to a customer while he was conducting an online transaction of selecting and finalizing an agreed configuration of a computer [here, the terms "unique quote number" and the agreed configuration are analogous to the terms "transaction authorization code" and the on line agreement as recited in the claims] which he wants to buy and then the same customer could communicate this code to the merchant's website (merchant's website corresponds to the financial institution [web site] as recited in the claims) which uses this code to correlate the earlier selected/agreed configuration to finalize the order (corresponds to using the earlier received code to correlate and finalize the transfer of funds, as recited in the claims). Clifton's invention clearly suggests the benefit of providing a code to the customer while he is conducting an online transaction with a merchant so that the customer could provide this code to vendor to authorize him to select and finalize the order without having to reconstruct the configuration of the computer and this teaching is also helpful in further enhancing the Jalili's invention by incorporating this teaching of receiving a code in the form of a purchase number of invoice while conducting the online transaction so that when making payments one does not have to refer to the merchant again to get all the details.